



6888

## PROSPECTOR LANDSCAPING AND MAINTENANCE OF SOIL COVER

### TITLE 11-1-1 DEFINITIONS.

APPROVED TOPSOIL - New topsoil is required to be tested and cannot exceed the following: lead 200 ppm; as determined by testing a representative sample at a state certified laboratory using the method described in Mine Tailings, below. Results reported as received [not dry weight].

CONSTRUCTION SITE - The property, whether fenced or unfenced, involved in the construction of any building or structure as shown on the approved site plan, and such additional contiguous area owned or controlled by the owner or contractor of the project that is used for construction related work or activities such as staging, material storage, equipment storage, soil stock piling and similar activities.

HAZARDOUS WASTE - Any tailings, soil, or other material which exceeds the action level of lead at 1000 ppm for the purpose of this Ordinance shall be considered hazardous waste. The testing to be done according to the method described in Section 3, Mine Tailings, below.

MINE TAILINGS - Any soil which has the following lead concentration: Lead 1000 parts per million (ppm) or greater, as determined by using the Standard Method 15th Edition 302 [Nitric Acid Digestion] analysis by Atomic Absorption Spectrometer Standard. Method 303 Results reported as dry weight.

NEW CONSTRUCTION - structures for which the "start of construction" commenced on or after the effective date of the Title.

OWNER - The individual, corporation, partnership or other entity who has requested or caused construction work to be performed on a construction site.

PERSON - every natural person, firm, co-partnership, association, or corporation.

PROSPECTOR - That area of Park City described in Section 1.

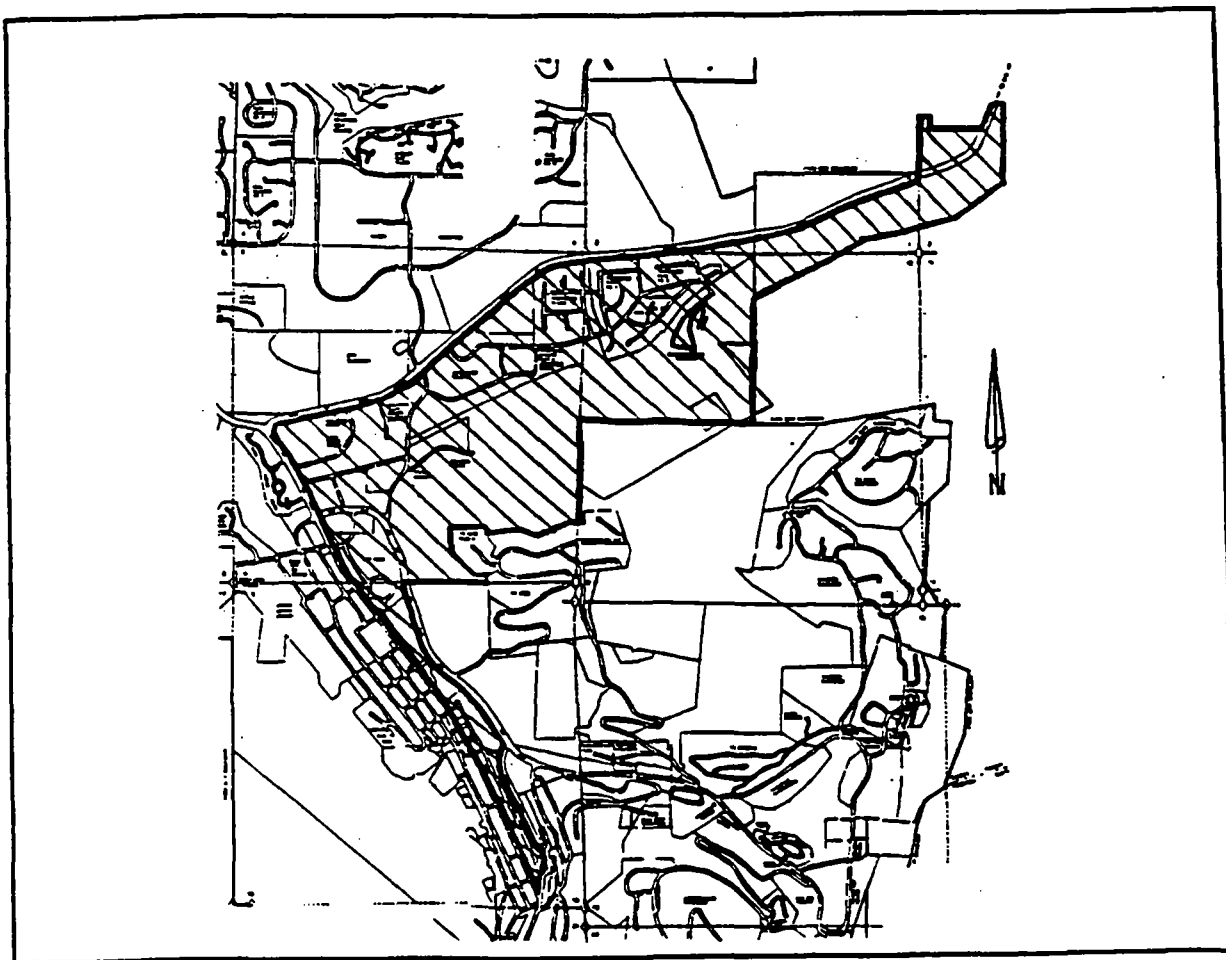
11-14-1. AREA This sections shall be in full force and effect only in that portion of Park City, Utah which is commonly known as that portion which is depicted in the map below and as described as follows:

Beginning at the West 1/4 Corner of Section 10, Township 2 South, Range 4 East, Salt Lake Base & Meridian; running thence east along the center section line to the center of Section 10, T.2 South, R.4 East; thence north along the center section line to a point on the easterly Park City limit line, said point being South 00 04'16" West 564.84 feet from the north 1/4 corner of Section 10, T.2S., R.4E.; thence along the easterly Park City limit line for the following fourteen (14) courses: North 60 11'00" East 508.36'; thence North 62 56' East 1500.00'; thence North 41 00' West 30.60 feet; thence North 75 55' East 1431.27'; thence North 78 12'40" East 44.69 feet; thence North 53 45'47" East 917.79 feet; thence South 89 18'31" East 47.22 feet; thence North 00 01'06" East 1324.11 feet; thence North 89 49'09" West 195.80 feet; thence South 22 00'47" West 432.52'; thence South 89 40'28" West 829.07 feet; thence North 00 09'00" West 199.12 feet; thence West 154.34 feet to a point on the west line of Section 2, T.2S., R.4E; thence south on the section line to the southerly right-of-way line of State Road 248; thence

westerly along said southerly right-of-way line to the easterly right-of-way line of State Road 224, also known as Park Avenue; thence southerly along the easterly line of Park Avenue to the west line of Main Street; thence northerly along the westerly line of Main Street to the northerly line of 2nd Street (originally platted 6th Street); thence easterly across Main Street to the westerly line of Swede Alley (originally platted as Farrell Alley, 6th Street, and Grant Avenue); thence northerly along the westerly line of Swede Alley to the westerly line of State Road 224, also known as Deer Valley Drive; thence northerly along the westerly line of State Road 224 to the southerly line of Section 9, T.2S., R.4E.; thence easterly to the west line of Section 10, T.2S., R.4E.; thence northerly to the point of beginning.

EXCEPTING THEREFROM all lots platted as Aerie Subdivision and Aerie Subdivision Phase 2, according to the official plats thereof recorded in the office of the Summit County Recorder.

#### MAP OF AREA SUBJECT TO LANDSCAPING AND TOPSOIL REQUIREMENTS



ORIGINAL MAP ON FILE IN THE CITY RECORDER'S OFFICE

**11-14-2. MINIMUM COVERAGE WITH TOPSOIL.** All real property within the Area must be covered and maintained with a minimum cover of 6" of approved topsoil over mine tailings except where such real property is covered by asphalt, concrete or permanent structures or paving materials. Parking shall be restricted to impervious surfaces.

**11-14-3. VEGETATION.** All areas in the Area where real property is covered with six inches or more of approved topsoil must be vegetated with plant material suitable to prevent erosion of topsoil.

**11-14-4. ADDITIONAL LANDSCAPING REQUIREMENTS.** In addition to the minimum coverage of topsoil requirements set forth in Section 4 and the vegetation requirements set forth in Section 5, the following additional requirements shall also be applicable:

(a) Flower or vegetable planting bed at grade - All flower or vegetable planting beds at grade shall be clearly defined with edging material to prevent edge drift and shall have a minimum depth of 24" of approved topsoil so that tailings are not mixed with the soil through normal tilling procedures. Such topsoil shall extend 12" beyond the edge of the flower or vegetable planting bed.

(b) Flower or vegetable planting bed above grade - All flower or vegetable planting beds above grade shall extend a minimum of 16" above the grade of the 6" of approved topsoil cover and shall contain only approved topsoil.

(c) Shrubs and Trees - All shrubs planted after the passage of this Ordinance shall be surrounded by approved topsoil for an area which is three times bigger than the rootball and extends 6 inches below the lowest root of the shrub at planting. All trees planted after the passage of this Ordinance shall have a minimum of 18" of approved topsoil around the rootball with a minimum of 12" of approved topsoil below the lowest root of the tree.

**11-14-5. DISPOSAL OR REMOVAL OF Area SOIL.** All soil disturbed or removed from Area, unless a representative sample tested at a State certified laboratory determines the soil is not a hazardous waste, shall be disposed of only at a facility approved by the Utah State Department of Health, or covered on site with six inches of approved topsoil and re-vegetated as required by this Ordinance.

**11-14-6. DUST CONTROL.** Contractor or owner is responsible for controlling dust during the time between beginning of construction activity and the establishment of plant growth sufficient to control the emissions of dust from any site. Due care shall be taken by the contractor or owner, to protect workmen while working within the site from any exposure to dust emissions during construction activity by providing suitable breathing apparatus or other appropriate control.

**11-14-7. CERTIFICATE OF COMPLIANCE.** Upon application by the owner of record or agent to the Park City Building Department and payment of the fee established by the department, the Park City Building Department shall inspect the applicant's property for compliance with this Ordinance. When the property inspected complies with this Ordinance, a Certificate of Compliance shall be issued to the owner by the Park City Building Department.

**11-14-8. DISPOSAL.** Any work that produces excess tailings not contained on the site, according to the standards set forth in this Ordinance, must have a representative sample of the soil to be transported off the site tested by a State certified laboratory to determine if it is hazardous waste. If the excess soil is determined to be a hazardous waste, it must be transported to a disposal facility approved by the Utah State Health Department. Any work causing tailings to possibly be regenerated to the surface, such as digging, must collect and properly dispose of the tailings, either on site according to the standards set forth in this ordinance or off site as required by this Ordinance and state and federal law.

**11-14-9. ENFORCEMENT.** With the exception of new construction, which shall be inspected and required to comply in accordance with other City permitting and inspections, this Ordinance shall be enforced through voluntary requests for inspections to obtain Certificates of Compliance. If a request is made for the Certificate of Compliance as set forth in Section 11-15-7, then the owner of the property shall be required to comply with the standards set forth in this ordinance.

**11-14-10. WELLS.** All wells for culinary irrigation or stock watering use are prohibited in the Area.

**11-14-11. FAILURE TO COMPLY WITH CHAPTER.** The failure to landscape, maintain landscaping, control dust or dispose of tailings as required by this Chapter shall constitute a public nuisance as determined by the City Council of Park City.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500  
DENVER, COLORADO 80202-2405

RECEIVED

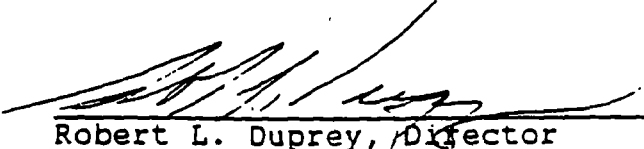
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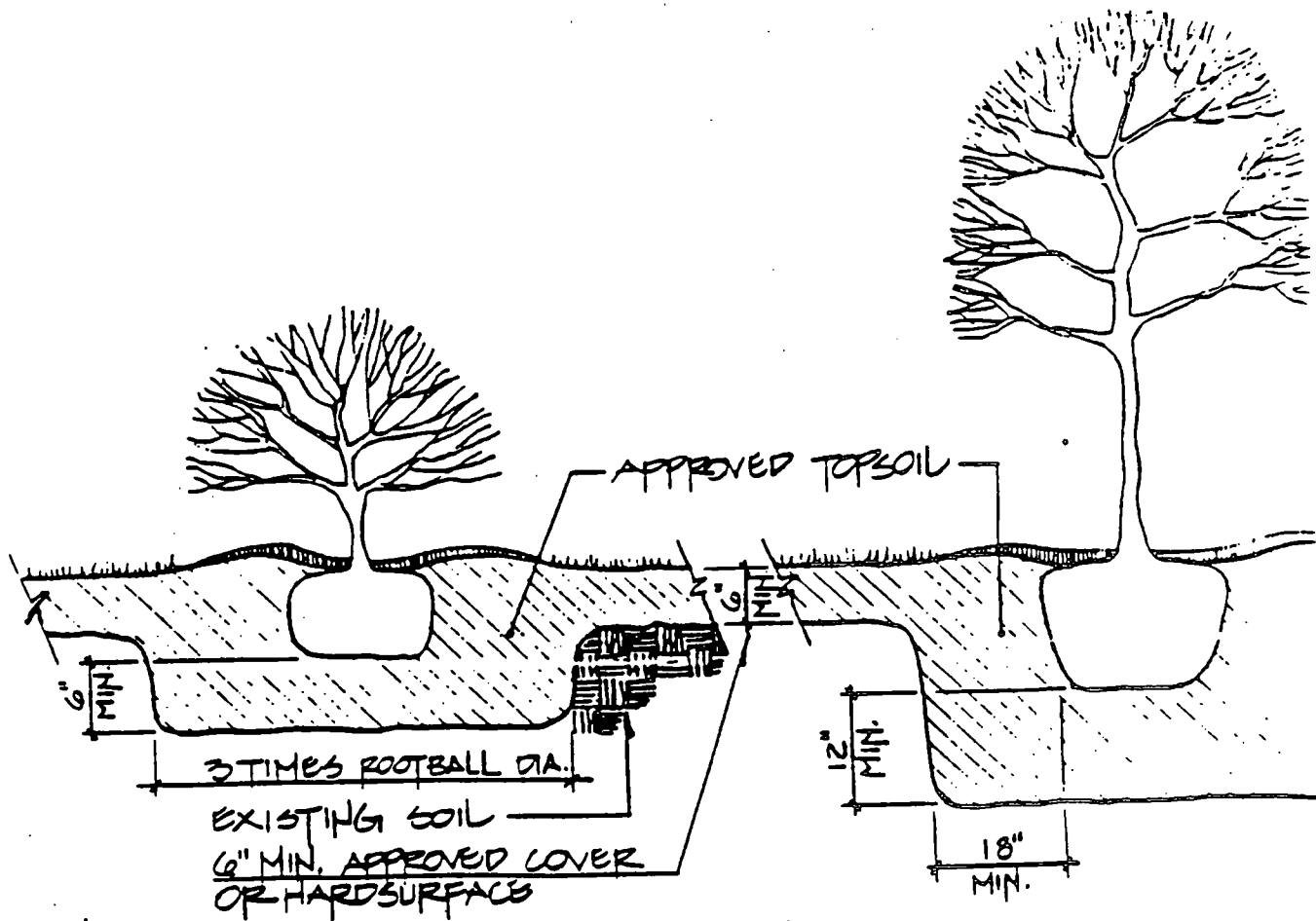
PARK CITY  
MUNICIPAL CORPORATION

TO WHOM IT MAY CONCERN:

EPA, in cooperation with the Utah Department of Health and Park City, completed a comprehensive environmental evaluation of mine tailings in the Park City area. These studies were the equivalent of a Superfund Remedial Investigation and, therefore, we are confident in reaching the following conclusions:

1. EPA concurs with ATSDR's finding that there is no evidence of exposure to toxic metals such as lead, arsenic, or cadmium at levels believed to be harmful to current residents.
2. There are potential concerns with metals due to elevated levels in soils should extended exposure occur. However, no air quality or drinking water standards in the area have been exceeded.
3. Property which is effectively covered with top soil and maintained can adequately remediate and solve the potential problem of direct contact with tailings.
4. In our judgment, compliance with the Park City ordinance related to cover where metal levels are elevated can ensure protection of public health.
5. EPA believes that if Park City and its property owners implement EPA recommendations, there will be effective remediation to possible exposure. EPA sees no impediment to financial transactions involving properties that are remediated to prevent such exposure.

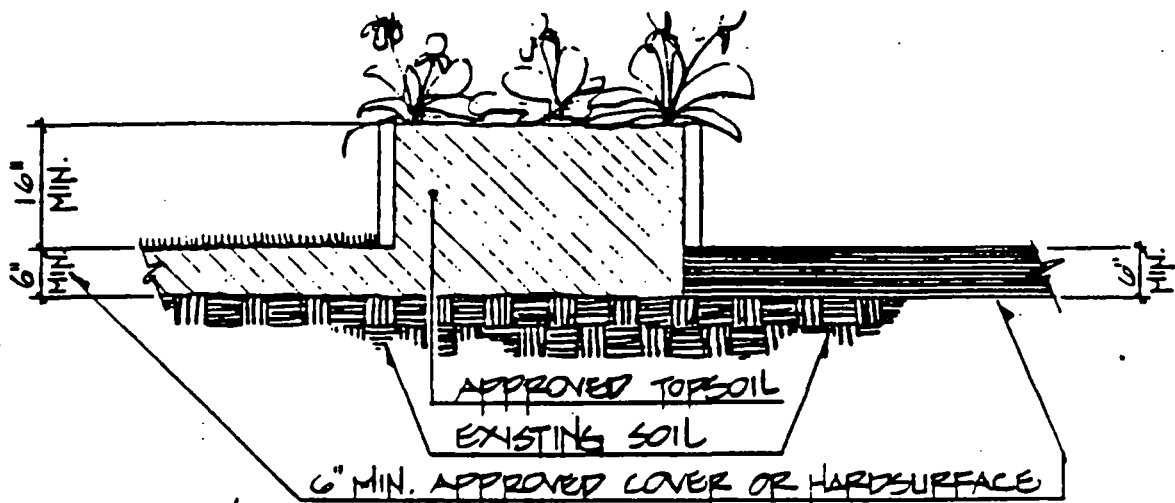
  
Robert L. Duprey, Director  
Hazardous Waste Management Division



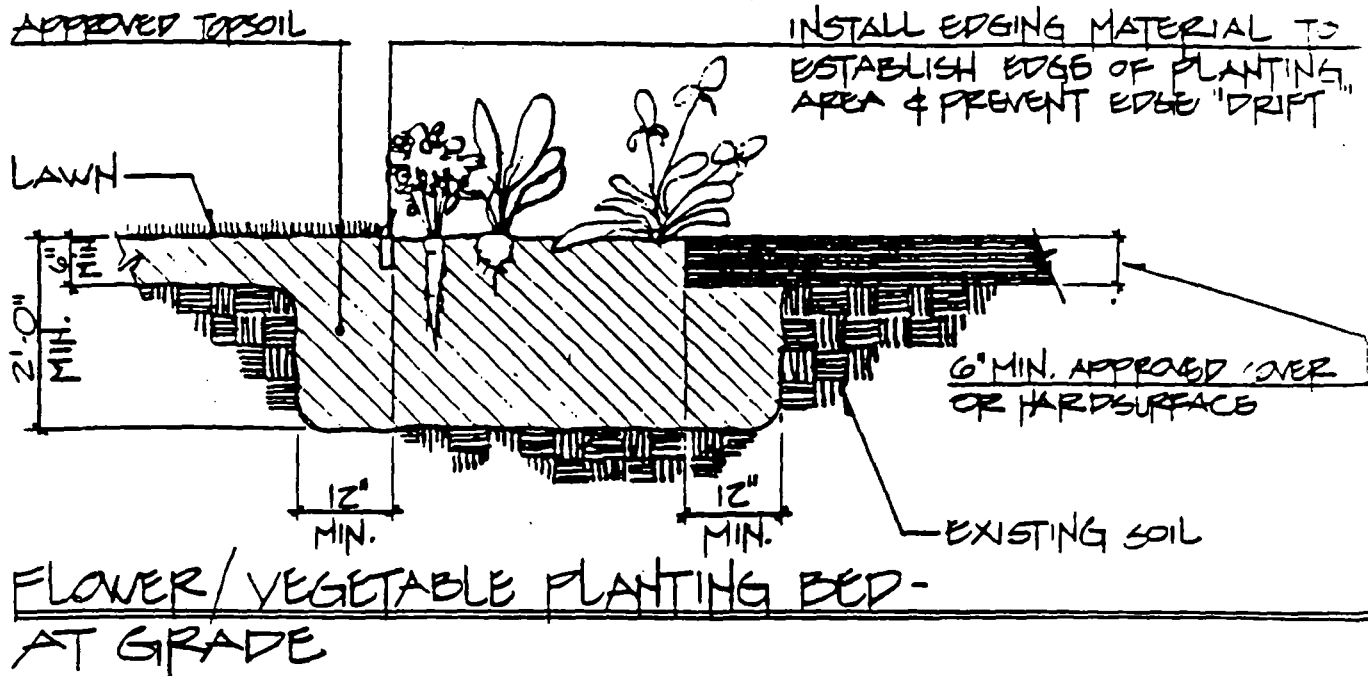
SHRUBS

TREES

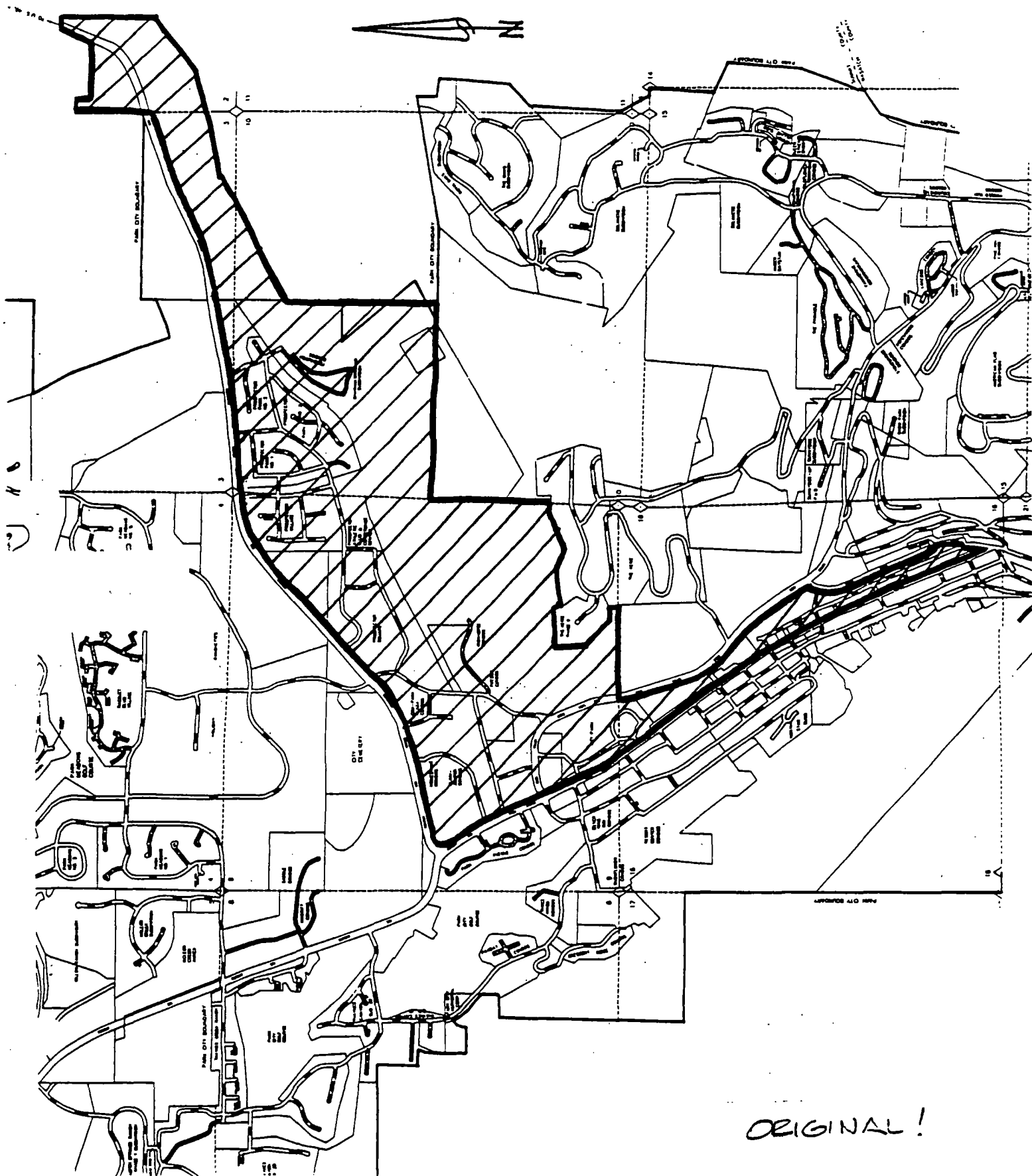
RECOMMENDED PLANTING DETAILS



FLOWER/VEGETABLE PLANTING BED  
ABOVE GRADE







ORIGINAL!